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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,245	03/15/2004	Christopher S. Peach	26243-1-6	2278

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EXAMINER

LU, TOM Y

ART UNIT PAPER NUMBER

2624

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/801,245

Applicant(s)

PEACH ET AL.

Examiner

Tom Y. Lu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 and 17 is/are allowed.
- 6) ☒ Claim(s) 1-15, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 1 and 16-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-15, 18 and 19 are rejected under 35 U.S.C. 112 2<sup>nd</sup> paragraph.
  - a. Claim 1 recites the limitation "the camera" in line 10. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests "the first camera" for consistency.
  - b. Claims 2-15 are rejected as being dependent upon claim 1.
  - c. Claim 18 recites the limitation "the container and chassis code" in line 1. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests "a container code and a chassis code".
  - d. Claim 18 recites the limitation "the rear camera" in line 6. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests "a rear camera".
  - e. Claim 18 recites the limitation "the side camera" in line 7. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests "a side camera".
  - f. Claim 19 recites the limitation "the camera" in line 10. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests "the first camera" for consistency.

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2. Claim 1-15 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Referring to Claim 1, the examiner notes claim 1 calls for “if the container is the first size, setting the first camera to a preset position appropriate for viewing a first size container; if the container is the second size, setting the first camera to a preset position appropriate for viewing a second size container”. However, the claim never explicitly defines two preset positions to be different positions. Without explicitly defining the preset positions to be different, the examiner notes it is pointless to have two preset positions since one preset position could have been able to capture both sizes.
- b. Claims 2-15 are rejected as being dependent upon claim 1.
- c. Claim 19 is rejected for the same reason given in Claim 1.

#### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: a typographical error is found in line 6. “preset position” should be corrected to “a preset position”. An “and” is needed before last step. Appropriate correction is required.

4. Claim 16 is objected to because of the following informalities: a typographical error is found in line 1. “chassis code” should be corrected to “a chassis code”. An “and” is needed before last step. Appropriate correction is required.

5. Claim 17 is objected to because of the following informalities: No comma is needed after “and” before last step. Appropriate correction is required.

6. Claim 18 is objected to because of the following informalities: step “e)” is needed for consistency. All steps, except the last, should be ended with a semicolon, not a period. Additionally, an “and” is needed at the end of step d). Appropriate correction is required.

7. Claim 19 is objected to because of the following informalities: An “and” is needed before last step. Appropriate correction is required.

***Allowable Subject Matter***

8. Claims 1-15, 18 and 19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

- a. Independent claim 1 defines features of determining whether the container is present, and if so, whether it is a first size or a second size; if the container is the first size setting the first camera to a preset position appropriate for viewing a first size container; if the container is the second size, setting the first camera to a preset position appropriate for viewing a second size container. These features in combination with other features in claim 1 are not taught or suggested by the art of record. A prior art reference of Lui et al, EP 0594061 A2, at page 3, lines 51-55, teaches using one of three cameras to capture images of three standard sizes of containers for container ID code verification. However, Lui et al, fails to teach determine the present of cargo container and use of only one camera for different positioning based on different sizes of containers.
- b. Claims 2-15 are dependent upon claim 1.

- c. Independent claim 16 defines features of determining whether the container is a first size or a second size by analyzing at least some of the second series of images obtained by a rear camera; and changing the rear camera view to a third position if the container is the first size and to a fourth position if the container is the second size. These features are not taught or suggested by the art of record.
- d. Independent claim 17 defines features of analyzing the view from a camera in a first viewing position; and depending upon the view, changing the camera to another viewing position from which the camera can view indicia on a truck, chassis or container. These features are not taught or suggested by the art of record.
- e. Independent claim 18 defines features of determining the type of cargo that is associated with a truck; auto-positioning a rear camera to view a container code associated with the truck; and auto-positioning a side camera to view a chassis code associated with the truck.
- f. Independent claim 19 incorporates similar allowable subject matter as indicated in claim 1 above.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Lui et al, EP 0594061 A2, see whole document.
- b. Yagesh, U.S. Patent Application No. US 2004/0113783 A1, see abstract.
- c. Takehara et al, U.S. Patent Application No. US 2003/0190057 A1, see abstract.

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- d. Hosoe, U.S. Patent No. 6,011,925, see figures 6-8.
- e. Blackshear, U.S. Patent No. 4,918,473, see figures 8-10.
- f. Jong-Pil, U.S. Patent No. 5,467,127, see column 2, lines 20-61.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Y. Lu whose telephone number is (571) 272-7393. The examiner can normally be reached on 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571)-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TYL



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